

AN ACT

ENTITLED, An Act to revise the requirements for registered engineers, architects, and land surveyors approving certain building projects.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-18-7 be amended to read as follows:

36-18-7. This chapter does not apply to:

- (1) Any person engaged in military engineering while rendering service exclusively for any of the armed forces of the United States or this state;
- (2) Any person engaged in the practice of professional engineering, or architecture in the employ of the United States government but only while exclusively engaged as a United States government employee on such government project or projects which lie within federally-owned land;
- (3) Any person engaged in the practice of professional engineering, architecture, or land surveying in the employ of the state and any of its political subdivisions but only while rendering service exclusively to such employer. Any building resulting from the practice of professional engineering, architecture, or land surveying under this subdivision shall be subject to the size limitation imposed under the exemptions in subdivision (8) of this section;
- (4) Any employee who prepares technical submissions or administers construction contracts for a person or organization lawfully engaged in the practice of engineering, architecture, or land surveying, if the employee is under the direct supervision of a registered professional engineer, architect or land surveyor;
- (5) Any full-time employee of a corporation, partnership, firm, business entity, or public utility while exclusively doing work for the corporation, partnership, firm, business entity, or public utility, if the work performed is in connection with the property, products, and

services utilized by the employer and not for any corporation, partnership, firm, or business entity practicing or offering to practice architectural, engineering, or land surveying services to the public. The provisions of this subdivision do not apply to any building or structure if the primary use is occupancy by the public;

- (6) Any person engaged in the preparation of plans and specifications for the erection, enlargement or alteration of any of the following buildings:
 - (a) Any dwelling for a single family, and any outbuilding in connection therewith, such as a barn or private garage;
 - (b) Any two, three, or four family dwelling;
 - (c) Any five to sixteen family dwelling, inclusive, located in a governmental subdivision of this state which provides a detailed building code review of building projects by a building inspection department which is a Class A member of the international conference of building officials;
 - (d) Any farm or ranch building or accessory thereto except any building regularly used for public purposes;
 - (e) Any temporary building or shed used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters;
- (7) Any person who prepares detailed or shop plans required to be furnished by a contractor to a registered professional engineer or architect; and any construction superintendent supervising the execution of work designed by an architect or professional engineer registered in accordance with this title;
- (8) Any person engaged in the preparation of plans and specifications for the new construction, the enlargement or the alteration of any of the following buildings:
 - (a) Any portion of a hospital occupied by patients on a twenty-four hour basis or any building occupied as a jail if the gross square footage of the new construction, the

enlargement or the alteration is three thousand square feet or less;

- (b) Any building occupied as a hospital, hotel, motel, restaurant, library, medical office, nursing facility, retirement home or mortuary, or any hospital area not provided for in subsection (a), if the gross square footage of the new construction, the enlargement or the alteration is four thousand square feet or less;
- (c) Any building occupied as an auditorium, bank, church, fire station, school, single-story office, theater, or public building if the gross square footage of the new construction, the enlargement or the alteration is five thousand square feet or less;
- (d) Any building occupied as a service station if the gross square footage of the new construction, the enlargement or the alteration is six thousand square feet or less;
- (e) Any building occupied as a bowling alley, multi-story office, shopping center, or store if the gross square footage of the new construction, the enlargement or the alteration is seven thousand square feet or less;
- (f) Any building occupied as an industrial plant or public garage if the gross square footage of the new construction, the enlargement or the alteration is eleven thousand square feet or less;
- (g) Any building occupied as a warehouse if the gross square footage of the new construction, the enlargement or the alteration is twenty thousand square feet or less;
- (h) Any building with an occupancy other than those listed in subsections (a) to (g), inclusive, of this subdivision if the gross square footage of the new construction, the enlargement or the alteration is three thousand square feet or less;
- (i) Any pre-engineered or predesigned building, or any pre-engineered or predesigned building with a predesigned system, designed for the intended use of that building, including building structure, electrical, plumbing, and mechanical systems, if the

buildings and systems are supplied directly, or indirectly, by a company engaged in the business of designing and supplying such buildings and systems and if the company has in its employ one or more engineers or architects licensed in South Dakota, who prepare all designs for such buildings and systems.

No person exempted may use the title of professional engineer, architect, or land surveyor, or any other word, words, letters, or signs in connection with the person's name that may falsely convey the impression that the person is a licensed professional engineer, architect, or land surveyor.

Section 2. That § 36-18-37.2 be amended to read as follows:

36-18-37.2. No public officer or employee, as defined in subdivisions 22-1-2 (37) and (39), charged with the authority or responsibility of approving or accepting plans, specifications, and plats may accept or approve such plans, specifications and plats which have been prepared in violation of this chapter. The approval by a person licensed pursuant to this chapter, is not required of building construction or alterations as described in § 36-18-7.

Section 3. That § 5-18-15 be amended to read as follows:

5-18-15. No person, firm, or corporation may act as architect or engineer and also contractor on any public work in this state where the amount to be expended upon such public work exceeds one hundred thousand dollars. Public works of an emergency nature which affect the public health and safety of the state and are funded through the use of an emergency appropriation or special appropriation, and full-service firms which specialize in the design, fabrication, and installation of cultural and educational exhibits are exempt from this section.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1277

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1277
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State